

February 28, 1975

of it go much further. It says, shall, in the amendment and that the Director of Motor Vehicles shall...I would like to read back through...not reinstate or reinstate any permit to operate a motor vehicle revoked as provided by Section 39-669.27. Now, if the mayor is right and the Director would agree, it says he shall not reinstate. It takes away this appeal of the person involved for the reinstatement of his motor vehicle license. When the word "shall" goes into this language, I think it upsets the implications go much further than this, than whether the mayor can pardon or not but the person is stuck, if they are caught under this and I would like to see this amendment reworded at least, if it is introduced or carried and I am not opposed to the bill in general. Thank you.

SPEAKER: The amendment is still Senator Clark's for reconsideration. I have a number of lights on and Senator Swigart is next. Senator George.

SENATOR GEORGE: Mr. Chairman, there seems to be some misconception about the pardoning powers of the mayor. I believe Senator Syas mentioned we don't want the mayor to overrule state law. The pardoning power of the mayor only pertains to city ordinances and I think the mayor should have that power and so far, we don't have any reports in the state that this power has been misused. We have only one specific item here and this is listed in LB 200 where we are going to limit that power and that is all we want to do and I think that is all we should do.

SPEAKER: Senator George is next. Senator Stull.

SENATOR STULL: Mr. President, members of the Legislature, I think if you check this out the mayor uses this in cases of violation for driving, drunken driving and putting these drunks back on the road and I think when the Legislature passed the law on the point system that is exactly what they meant. If a fellow has violations so he loses the 12 points, there is certain penalties and I am for getting the drunks off the road and keeping them off.

SPEAKER: Senator Fowler.

SENATOR FOWLER: Well, if I could comment on what Senator Stull said, the intent, I think, of the bill by Senator Dworak and the amendment to the bill is to do exactly what he intended. The problem is that the current language that the mayor may grant a pardon and upon granting that pardon, the Department of Motor Vehicles has to take away...not take away the points, has to ignore the charge against him. What this amendment would do and what the bill would do would say that when a pardon, if the amendment was adopted, if a mayor grants a pardon, the Department of Motor Vehicles sees that a pardon is granted, they could ignore that as far as restoring points. They would not be required to restore points. The abuses that came to light dealt primarily with the city of Columbus where people had reached the point where their license would be taken away for this violation and the mayor granted them the pardon. The Department of Motor Vehicles had to restore those points and thereby restore the license. Now I think it would be best to adopt the amendment because that is much clearer language than the language Senator Dworak had in his original bill and then debate the question. I know that Senator Barnett wants to take away the right of